

Exhibit A

Tennessee Limited Liability Company
Annual Form



Tre Hargett
Secretary of State

Division of Business Services
Department of State

State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

TENNESSEE ATTORNEY GENERAL OFFICE
ROBERT J. WEST
PO BOX 20207
NASHVILLE, TN 37202-4015

Request Type: No Fee Certified Copies
Request #: 476636

Issuance Date: 05/20/2022
Copies Requested: 1

Document Receipt

Receipt # :

Filing Fee:

I, Tre Hargett, Secretary of State of the State of Tennessee, do hereby certify that **Solar Titan USA, LLC**, Control # 1056810 was formed or qualified to do business in the State of Tennessee on 10/15/2019. Solar Titan USA, LLC has a home jurisdiction of TENNESSEE and is currently in an Active - Dissolved status. The attached documents are true and correct copies and were filed in this office on the date(s) indicated below.


Tre Hargett
Secretary of State

Processed By: Deborah Chaney

The attached document(s) was/were filed in this office on the date(s) indicated below:

<u>Reference #</u>	<u>Date Filed</u>	<u>Filing Description</u>
B0768-1815	10/15/2019	Initial Filing
B0849-9647	03/31/2020	2019 Annual Report (Due 04/01/2020)
B1013-6895	04/01/2021	2020 Annual Report (Due 04/01/2021)
B1136-5658	01/18/2022	Administrative Amendment
B1101-7247	01/19/2022	Dissolution
B1101-7248	01/19/2022	Duplicate Name Consent



001056810

B0768. 15 10/15/2019 9:23 AM Received by Tennessee Secretary of State Tre Hargett.

**ARTICLES OF ORGANIZATION
LIMITED LIABILITY COMPANY**

SS-4270

**Tre Hargett**
Secretary of State**Division of Business Services****Department of State**State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102
(615) 741-2286Filing Fee: \$50.00 per member
(minimum fee = \$300.00, maximum fee = \$3,000.00)

For Office Use Only

FILED

Control # 001056810

The Articles of Organization presented herein are adopted in accordance with the provisions of the Tennessee Revised Limited Liability Company Act.**1. The name of the Limited Liability Company is:** Solar Titan USA, LLC

(Note: Pursuant to the provisions of T.C.A. §48-249-106, each Limited Liability Company name must contain the words "Limited Liability Company" or the abbreviation "LLC" or "L.L.C.")

2. Name Consent: (Written Consent for Use of Indistinguishable Name)☐ This entity name already exists in Tennessee and has received name consent from the existing entity.**3. This company has the additional designation of:** None**4. The name and complete address of the Limited Liability Company's initial registered agent and office located in the state of Tennessee is:**RICHARD M. ATNIP
STE 700
800 S GAY ST
KNOXVILLE, TN 37929-9703
KNOX COUNTY**5. Fiscal Year Close Month:** December**6. If the document is not to be effective upon filing by the Secretary of State, the delayed effective date and time is:**
(none) (Not to exceed 90 days)**7. The Limited Liability Company will be:**☒ Member Managed☐ Manager Managed☐ Director Managed**8. Number of Members at the date of filing:** 2**9. Period of Duration:** Perpetual**10. The complete address of the Limited Liability Company's principal executive office is:**STE 700
800 S GAY ST
KNOXVILLE, TN 37929-9703
KNOX COUNTY



B0768-1816 10/15/2019 9:23 AM Received by Tennessee Secretary of State Tre Hargett

ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

SS-4270



Tre Hargett
Secretary of State

Division of Business Services
Department of State
State of Tennessee
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102
(615) 741-2286

Filing Fee: \$50.00 per member
(minimum fee = \$300.00, maximum fee = \$3,000.00)

For Office Use Only

-FILED-

Control # 001056810

The name of the Limited Liability Company is: Solar Titan USA, LLC

11. The complete mailing address of the entity (if different from the principal office) is:

C/O SWART BAUMRUK & COMPANY, LLP
1101 MIRANDA LN
KISSIMMEE, FL 34741-0769

12. Non-Profit LLC (required only if the Additional Designation of "Non-Profit LLC" is entered in section 3.)

- ☐ I certify that this entity is a Non-Profit LLC whose sole member is a nonprofit corporation, foreign or domestic, incorporated under or subject to the provisions of the Tennessee Nonprofit Corporation Act and who is exempt from franchise and excise tax as not-for-profit as defined in T.C.A. §67-4-2004. The business is disregarded as an entity for federal income tax purposes.

13. Professional LLC (required only if the Additional Designation of "Professional LLC" is entered in section 3.)

- ☐ I certify that this PLLC has one or more qualified persons as members and no disqualified persons as members or holders.

Licensed Profession:

14. Series LLC (optional)

- ☐ I certify that this entity meets the requirements of T.C.A. §48-249-309(a) & (b)

15. Obligated Member Entity (list of obligated members and signatures must be attached)

- ☐ This entity will be registered as an Obligated Member Entity (OME) Effective Date: (none)
☐ I understand that by statute: THE EXECUTION AND FILING OF THIS DOCUMENT WILL CAUSE THE MEMBER(S) TO BE PERSONALLY LIABLE FOR THE DEBTS, OBLIGATIONS AND LIABILITIES OF THE LIMITED LIABILITY COMPANY TO THE SAME EXTENT AS A GENERAL PARTNER OF A GENERAL PARTNERSHIP. CONSULT YOUR ATTORNEY.

16. This entity is prohibited from doing business in Tennessee:

- ☐ This entity, while being formed under Tennessee law, is prohibited from engaging in business in Tennessee.

17. Other Provisions:

Electronic
Signature

Richard M Atnip
Printed Name

Managing Member
Title/Signer's Capacity

Oct 15, 2019 9:23AM
Date



07175553

**Tennessee Limited Liability Company Annual Report Form**

AR Filing #: 07175553

File online at: <https://TNBear.TN.gov/>

FILED: Mar 31, 2020 11:30AM

Due on/Before: 04/01/2020

Reporting Year: 2019

Annual Report Filing Fee Due:

\$300 minimum plus \$50 for each member over 6 to a maximum of \$3000

\$20 additional if changes are made in block 3 to the registered agent/office

This Annual Report has been successfully paid for and filed. Please keep this report for your records.

Payment-Credit Card - State Payment Center - CC #: 3778780130**SOS Control Number:** 1056810

Limited Liability Company - Domestic

Date Formed: 10/15/2019

Formation Locale: TENNESSEE

(1) Name and Mailing Address:

Solar Titan USA, LLC

C/O SWART BAUMRUK & COMPANY, LLP

1101 MIRANDA LN

KISSIMMEE, FL 34741-0769

(2) Principal Office Address:

C/O SWART BAUMRUK & COMPANY, LLP

1101 MIRANDA LN

KISSIMMEE, FL 34741-0769

(3) Registered Agent (RA) and Registered Office (RO) Address:

RICHARD M. ATNIP

11205 OUTLET DR

KNOXVILLE, TN 37932-3124

Agent Changed: Yes

Agent County: KNOX COUNTY

(4) This LLC is (as currently registered in Tennessee): Director Managed, Manager Managed, X Member Managed, Board Managed (appropriate if formed prior to 1/1/2006 only).

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent). If governed by the pre-2006 LLC act and board managed, list board members and managers.

Name	Business Address	City, State, Zip

(5) Provide the names and business addresses, including zip codes, of any LLC Officers (if governed by the Revised LLC Act), or their equivalent.

Name	Business Address	City, State, Zip

(6) Number of members on the date the annual report is executed: 1 This LLC is prohibited from doing business in Tennessee (check if applicable)

(7) Signature: Electronic

(8) Date: 03/31/2020

(9) Type/Print Name: Richard M Atnip

(10) Title: Member



07689223

B1013-6895 04/01/2021 10:27 AM Received by Tennessee Secretary of State Tre Hargett

**Tennessee Limited Liability Company Annual Report Form**

AR Filing #: 07689223

File online at: <https://TNBear.TN.gov/>

FILED: Apr 1, 2021 10:27AM

Due on/Before: 04/01/2021

Reporting Year: 2020

Annual Report Filing Fee Due:

\$300 minimum plus \$50 for each member over 6 to a maximum of \$3000

\$20 additional if changes are made in block 3 to the registered agent/office

This Annual Report has been successfully paid for and filed. Please keep this report for your records.

Payment-Credit Card - State Payment Center - CC #: 3803018730

SOS Control Number: 1056810

Limited Liability Company - Domestic

Date Formed: 10/15/2019

Formation Locale: TENNESSEE

(1) Name and Mailing Address:Solar Titan USA, LLC
C/O SWART BAUMRUK & COMPANY, LLP
1101 MIRANDA LN
KISSIMMEE, FL 34741-0769**(2) Principal Office Address:**11205 OUTLET DR
KNOXVILLE, TN 37932-3124**(3) Registered Agent (RA) and Registered Office (RO) Address:**RICHARD M. ATNIP
11205 OUTLET DR
KNOXVILLE, TN 37932-3124Agent Changed: No

Agent County: KNOX COUNTY

(4) This LLC is (as currently registered in Tennessee): Director Managed, Manager Managed, X Member Managed, Board Managed (appropriate if formed prior to 1/1/2006 only).

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent). If governed by the pre-2006 LLC act and board managed, list board members and managers.

Name	Business Address	City, State, Zip

(5) Provide the names and business addresses, including zip codes, of any LLC Officers (if governed by the Revised LLC Act), or their equivalent.

Name	Business Address	City, State, Zip

(6) Number of members on the date the annual report is executed: 1 This LLC is prohibited from doing business in Tennessee (check if applicable)


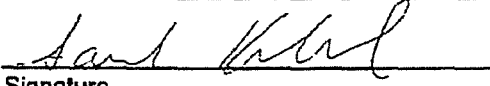
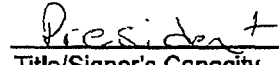
(7) Signature: Electronic

(8) Date: 04/01/2021

(9) Type/Print Name: Richard M Atnip

(10) Title: Member

B11: 5658 01/18/2022 10:11 AM Received Tennessee Secretary of State Tre Ha. att

CHANGE OF MAILING ADDRESS		SS-4800
 Tre Hargett Secretary of State	Division of Business Services Department of State State of Tennessee ATTN: Corporate Filing 312 Rosa L. Parks Ave, 6th FL Nashville, TN 37243-1102 (615) 741-2286 No Filing Fee Required	For Office Use Only
1. Entity submitting mailing address change Secretary of State Control Number: <u>001056810</u> Entity Name: <u>Solar Titan USA, LLC</u>		
2. Current Mailing Address Mailing Address: <u>1101 MIRANDA LN</u> City: <u>KISSIMMEE</u> ST: <u>FL</u> Zip: <u>34741-0769</u>		
3. New Mailing Address Mailing Address: <u>414 N PETERS</u> City: <u>KNOXVILLE</u> ST: <u>TN</u> Zip: <u>37922</u>		
<u></u> Signature		<u></u> Title/Signer's Capacity
<u>Sarah Kirkland</u> Printed Name		<u>1-11-22</u> Date
Submitter Name: <u>Robert Anderson</u> Phone #: <u>(865) 392 - 1036</u>		

**NOTICE OF DISSOLUTION
OF
SOLAR TITAN USA, LLC**

Pursuant to the provisions of Section 48-249-609 of the Tennessee Revised Limited Liability Company Act (the "Act"), the undersigned limited liability company (the "Company") submits the following Notice of Dissolution:

1. The name of the Company is:

Solar Titan USA, LLC (Control No. 1056810)

2. The dissolution of the Company was approved under Section 48-249-603(b) of the Act, by affirmative written consent of the sole member of the Company, such action being validly taken without a meeting.

Dated this 17th day of January, 2022.

SOLAR TITAN USA, LLC

By: _____

Printed Name: _____

Title: _____

4948802.1

B1101-7247 01/19/2022 3:31 PM Received by Tennessee Secretary of State Tre Hargett

EB116 | 7248 01/19/2022 3:31 PM Received by Tennessee Secretary of State Tre Harts-tt

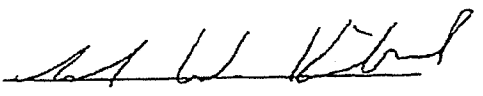
**APPLICATION FOR REGISTRATION OF ASSUMED
LIMITED LIABILITY COMPANY NAME**

Pursuant to the provisions of Section 48-249-106(d) of the Tennessee Revised Limited Liability Company Act, the undersigned limited liability company (the "Company") hereby submits this application:

1. The true name of the Company is:
Ideal Horizon Benefits LLC (Control No. 822669)
2. The jurisdiction in which the Company is formed is Tennessee.
3. The Company intends to transact business under an assumed name.
4. The assumed name the Company proposes to use is:
Solar Titan USA

Dated this 17th day of January, 2022.

IDEAL HORIZON BENEFITS LLC

By: 
Printed Name: Sarah Kichland
Title: CEO

B1101-7249 01/19/2022 3:31 PM Received by Tennessee Secretary of State Tre Hargett

WRITTEN CONSENT FOR USE OF INDISTINGUISHABLE NAME (SS-9411)



Business Services Division
Tre Hargett, Secretary of State
State of Tennessee
312 Rosa L. Parks AVE., 6th FL.
Nashville, TN 37243
(615) 741-2286
Filing fee \$20.00

Pursuant to the Tennessee Business Corporation Act, Tennessee Nonprofit Corporation Act, Tennessee Limited Liability Company Act, Tennessee Revised Limited Liability Company Act, or the Tennessee Revised Uniform Partnership Act, this consent for use of indistinguishable name is submitted to the Tennessee Secretary of State.

Existing Entity Name: Solar Titan USA, LLC

Entity 1

Existing Entity Secretary of State Control Number: 1056810

Entity Receiving Name Consent: Ideal Horizon Benefits LLC (Control No. 822669)

Entity 2

SELECT THE STATEMENT THAT APPLIES

Option 1:

☐

Both entities hereby consent to use and maintain the same registered agent.

Option 2:

☒

The existing entity consents to change its name or terminate its existence within 60 days.

Solar Titan USA, LLC

Entity 1 Signature

Signature Date

1-17-2022

Richard M. Atnip

Name (printed or typed)

Ideal Horizon Benefits, LLC

Entity 2 Signature

Signature Date

1/17/22

Sarah Kirkland

Name (printed or typed)

Note: Pursuant to T.C.A. § 10-7-503 all information on this form is public record.

SS-9411

RDA 1678

Exhibit B

Criminal Docket for *U.S. v. Kelley*

CLOSED

**United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:12-cr-00266-GMN-PAL-1**

Case title: USA v. Kelley

Date Filed: 07/20/2012

Date Terminated: 12/18/2012

Assigned to: Judge Gloria M. Navarro
Referred to: Magistrate Judge Peggy A. Leen

Defendant (1)

Craig Kelley
TERMINATED: 12/18/2012

represented by **Craig W Drummond**
Craig W. Drummond, P.C.
228 South Fourth St.
First Floor
Las Vegas, NV 89101
702-366-9966
Fax: 702-508-9440
Email: craig@drummondfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18:1343 - Wire Fraud
(1)

Disposition

Sentenced 12/13/2012

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Brian R Young**
U.S. Department of Justice
1400 New York Ave., NW
Washington, DC 20530
202-616-3114
Fax: 202-514-7021
Email: Brian.young4@usdoj.gov
ATTORNEY TO BE NOTICED

Michael A Humphreys
United States Attorneys Office
333 Las Vegas Blvd. South
Las Vegas, NV 89101

702-388-6336
 Fax: 702-388-6787
 Email: Michael.Humphreys@usdoj.gov
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/20/2012		Case assigned to Judge Gloria M. Navarro and Magistrate Judge Peggy A. Leen. (VHM) (Entered: 07/20/2012)
07/24/2012	1	MINUTE ORDER IN CHAMBERS of the Honorable Judge Gloria M. Navarro, as to Craig Kelley on 7/24/2012. By Deputy Clerk: Michael Zadina. The Court, having received a Criminal Information and Plea Agreement, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea is scheduled for 8/9/2012 at 10:00 AM in LV Courtroom 7D before Judge Gloria M. Navarro. IT IS FURTHER ORDERED that the defendant shall contact the Pretrial Services Office not later than 24 hours prior to this hearing date if not previously interviewed. (no image attached) (Copies have been distributed pursuant to the NEF - MJZ) (Entered: 07/24/2012)
08/01/2012	2	MINUTE ORDER IN CHAMBERS of the Honorable Judge Gloria M. Navarro, as to Craig Kelley on 8/1/2012. By Deputy Clerk: Michael Zadina. Initial Appearance, Arraignment and Plea is <u>continued</u> to 8/27/2012 at 2:00 PM in LV Courtroom 7D before Judge Gloria M. Navarro. (no image attached) (Copies have been distributed pursuant to the NEF - MJZ) (Entered: 08/01/2012)
08/22/2012	<u>6</u>	ORDER granting 3 Ex Parte Motion for Order Directing U.S. Marshal to Arrange Transportation to Hearing as to Craig Kelley (1). Initial Appearance/ Arraignment and Plea is <u>continued</u> to 8/28/2012 at 9:00 AM in LV Courtroom 7D before Judge Gloria M. Navarro. Signed by Judge Gloria M. Navarro on 8/22/2012. (Copies have been distributed pursuant to the NEF - MJZ) (Entered: 08/23/2012)
08/28/2012	<u>7</u>	WAIVER OF INDICTMENT as to Craig Kelley. (AC) (Entered: 08/28/2012)
08/28/2012	<u>8</u>	INFORMATION as to Craig Kelley (1) Count 1. (AC) (Entered: 08/28/2012)
08/28/2012	<u>9</u>	AO 257 to <u>8</u> Information - Felony as to Craig Kelley. (AC) (Entered: 08/28/2012)
08/28/2012	<u>10</u>	PLEA MEMORANDUM as to Craig Kelley. (AC) (Entered: 08/28/2012)
08/28/2012	<u>11</u>	PR BOND Entered as to Craig Kelley. (AC) (Entered: 08/28/2012)
08/28/2012	12	MINUTES OF PROCEEDINGS - Arraignment & Plea as to Craig Kelley held on 8/28/2012 before Judge Gloria M. Navarro. Crim Administrator: <i>Michael Zadina</i> ; AUSA: <i>Brian Young</i> ; Def Counsel: <i>Craig Drummond</i> ; PTS: <i>Tonya Jacobsen</i> ; Court Reporter/FTR #: <i>Araceli Bareng</i> ; Time of Hearing: <i>9:01-9:42 am</i> ; Courtroom: <i>7D</i> ; Defendant is present. CJA panel attorney is appointed as defense counsel. Defendant and counsel execute and file a Waiver of Indictment. The Information is filed. Defendant pleads GUILTY to Count 1 of the Information. Plea Agreement filed. Court conditionally accepts the guilty plea. Case unsealed. This matter is referred to the probation department for investigation and report. Defendant is continued on present terms of release. Sentencing and disposition is set for 12/20/2012 at 12:30 PM in LV Courtroom 7D before Judge Gloria M. Navarro. (no image attached) (Copies have been distributed pursuant to the NEF - MJZ) (Entered: 08/28/2012)
08/28/2012	<u>13</u>	Submission of PROPOSED ORDER of Forfeiture filed by Plaintiff USA. (Humphreys, Michael) (Entered: 08/28/2012)

08/30/2012	<u>14</u>	ORDER OF FORFEITURE as to Craig Kelley. Signed by Judge Gloria M. Navarro on 8/30/12. (Copies have been distributed pursuant to the NEF - MMM) (Entered: 08/31/2012)
10/26/2012	<u>15</u>	STIPULATION to continue sentencing to Dec. 13, 2012 by USA as to Craig Kelley. (Young, Brian) (Entered: 10/26/2012)
10/29/2012	<u>16</u>	ORDER ON STIPULATION Granting <u>15</u> Stipulation to Continue Sentencing as to Craig Kelley. Sentencing and disposition reset for 12/13/2012 10:00 AM in LV Courtroom 7D before Judge Gloria M. Navarro. Signed by Judge Gloria M. Navarro on 10/29/2012. (Copies have been distributed pursuant to the NEF - AC) (Entered: 10/29/2012)
11/28/2012	<u>17</u>	SENTENCING MEMORANDUM by USA as to Craig Kelley. (Young, Brian) (Entered: 11/28/2012)
11/28/2012	<u>18</u>	MOTION for Departure for Substantial Assistance by USA as to Craig Kelley. Motion ripe 11/28/2012. (Young, Brian) (Entered: 11/28/2012)
12/07/2012	<u>19</u>	EX PARTE MOTION and Order by Craig Kelley. Motion ripe 12/7/2012. (Drummond, Craig) (Entered: 12/07/2012)
12/10/2012	<u>21</u>	SENTENCING MEMORANDUM by Craig Kelley. (Drummond, Craig) (Entered: 12/10/2012)
12/13/2012	<u>22</u>	MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Craig Kelley held on 12/13/2012 before Judge Gloria M. Navarro. Crtrm Administrator: Michael Zadina; AUSA: Brian Young; Def Counsel: Craig Drummond; USPO: Kelli Morgan; Court Reporter/FTR #: Araceli Bareng; Time of Hearing: 10:04-10:40 a.m.; Courtroom: 7D; Defendant is present on terms of release. Sentence is imposed as to Count 1 of the Information. Order of Forfeiture filed. Defendant is advised of right to file an appeal. Defendant is released on terms of probation. IT IS ORDERED that bond is exonerated. (no image attached) (Copies have been distributed pursuant to the NEF - MJZ) (Entered: 12/13/2012)
12/13/2012	<u>23</u>	ORDER OF FORFEITURE as to Craig Kelley re <u>14</u> Order of Forfeiture. Signed by Judge Gloria M. Navarro on 12/13/2012. (Copies have been distributed pursuant to the NEF - AC) (Entered: 12/13/2012)
12/13/2012	<u>24</u>	RESTITUTION LIST as to Craig Kelley. (AC) (Entered: 12/17/2012)
12/17/2012		Bond Exonerated as to Craig Kelley. (LMC) (Entered: 12/17/2012)
12/18/2012	<u>25</u>	JUDGMENT as to Craig Kelley (1), Count 1, Sentenced 12/13/2012; 5 years Probation with Special Conditions; \$100 Assessment; \$2,000 Fine; \$195,000 Restitution; Restitution List and Final Order of Forfeiture attached. Signed by Judge Gloria M. Navarro on 12/18/2012. (Copies have been distributed pursuant to the NEF - AC) (Entered: 12/18/2012)
12/26/2012	<u>26</u>	AMENDED JUDGMENT as to Craig Kelley (1), Count 1, Sentenced 12/13/2012; 5 years Probation with Special Conditions; \$100 Assessment; \$2,000 Fine; \$195,000 Restitution, Restitution List and Order of Forfeiture Attached. Signed by Judge Gloria M. Navarro on 12/26/2012. (Copies have been distributed pursuant to the NEF - AC) (Entered: 12/26/2012)
01/09/2013	<u>28</u>	ORDER APPOINTING COUNSEL as to Craig Kelley. CJA Attorney Craig W. Drummond appointed as counsel for Defendant, subpoenas issued upon request with exception to out of state subpoenas which will require court approval. Signed by Judge Gloria M. Navarro on 1/9/13. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 01/09/2013)
01/29/2013	<u>29</u>	Form 22 - PETITION to Transfer Jurisdiction of Supervision - Out as to Craig Kelley. Motion ripe 1/29/2013. (Attachments: # <u>1</u> <u>22</u>) (Aquino, Robert) (Entered: 01/29/2013)
01/30/2013	<u>30</u>	ORDER Granting <u>29</u> Petition to Transfer Jurisdiction of Supervision out to the Middle District of Tennessee as to Craig Kelley (1). Signed by Judge Gloria M. Navarro on 1/30/13. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 01/30/2013)

PACER Service Center
Transaction Receipt
10/07/2013 06:18:32

PACER Login:	us4208	Client Code:	
Description:	Docket Report	Search Criteria:	2:12-cr-00266-GMN-PAL
Billable Pages:	3	Cost:	0.30

1 DANIEL G. BOGDEN
United States Attorney

2 DENIS J. MCINERNEY
3 Chief, Fraud Section, Criminal Division
U.S. Department of Justice

4 BRIAN R. YOUNG
5 Trial Attorney, Fraud Section, Criminal Division
1400 New York Avenue, NW
6 Washington, DC 20530
(202) 616-3114

7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 -oOo-

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 VS.

14 CRAIG KELLEY,
15 Defendant.

) CRIMINAL INFORMATION

) Case 2:12-cr-0266-GMN-PAL

) VIOLATION:
18 U.S.C. § 1343- Wire Fraud

16
17
18 **THE UNITED STATES ALLEGES THAT:**

19 **INTRODUCTION**

20 At all relevant times:

21 1. Purchasers of homes typically financed their purchases by submitting loan
22 applications to lending institutions to obtain mortgages. Loan applications required borrowers
23 truthfully to disclose certain information such as employment; income; assets, including bank
24 account balances; current monthly expenses, including rent or mortgage payments; and whether
25 the home to be purchased was to be the borrower's primary residence or was to be used as an
26 investment property. This information was material to lending institutions' decisions whether to

1 loan money to the borrower, the amount of any such loan, and the terms of the loan, such as the
2 interest rate the borrower was to pay. Lenders typically review a borrower's credit report before
3 making a loan. It takes approximately one month for the purchase of real property to appear on a
4 borrower's credit report.

5 2. Defendant CRAIG KELLEY was a Nevada-licensed real estate agent.

6 3. First Franklin Financial ("First Franklin") was a mortgage lender located at 8363
7 West Sunset Road, Suite 250, Las Vegas, Nevada, which did business in the State and Federal
8 District of Nevada.

9
10 **COUNT ONE**
Wire Fraud

11 4. Paragraphs 1 through 3 of this Information are re-alleged and incorporated herein
12 as if set forth in full.

13 5. Beginning at least as early as April 2007, and continuing through at least May
14 2007, in the State and Federal District of Nevada and elsewhere,

15 **CRAIG KELLEY,**

16 Defendant herein, did knowingly and intentionally devise and intend to devise a scheme and
17 artifice to defraud and for obtaining money and property by means of materially false and
18 fraudulent pretenses and representations, and material omissions, that would reasonably
19 influence a person or entity to part with money, transmitted by means of wire, radio, or television
20 communication in interstate or foreign commerce, any writings, signals, pictures, or sounds for
21 the purpose of executing such scheme and artifice.

22 6. On or around April 27, 2007, CRAIG KELLEY signed and caused to be
23 submitted to First Franklin an application for a mortgage loan for funds to purchase a piece of
24 real property located at 10123 Neville Court, Las Vegas, Nevada.


1 7. At the time CRAIG KELLEY signed the loan application, he then and there well.
2 knew that the document contained materially false statements about his income and personal
3 property.

4 8. In reliance on the loan application and in part the materially false statements
5 contained therein, First Franklin agreed to close the loan on or about May 1, 2007, and funded
6 the transaction with a wire transfer that traveled in interstate commerce.

7 All in violation of Title 18, United States Code, Section 1343.
8
9

10 DANIEL G. BOGDEN
11 United States Attorney

12 DENIS J. MCINERNEY
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UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

AMENDED JUDGMENT IN A CRIMINAL CASE

V.

CRAIG KELLEY

Case Number: 2:12-cr-00266-GMN-PAL-1

USM Number: None assigned

Craig Drummond, CJA

Defendant's Attorney

Date of Original Judgment: 12/18/2012

(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☒ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Information.

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1343	Wire Fraud	5/2007	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

12/13/2012

Date of Imposition of Judgment

Signature of Judge

Gloria M. Navarro

U.S. District Judge

Name of Judge

December 26, 2012

Title of Judge

Date

DEFENDANT: CRAIG KELLEY

CASE NUMBER: 2:12-cr-00266-GMN-PAL-1

PROBATION

The defendant is hereby sentenced to probation for a term of:

Five (5) years.

The defendant shall not commit another federal, state, or local crime.

The Defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

- * ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court as well as with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

AO 245C (Rev. 09/11) Amended Judgment in a Criminal Case
Sheet 4C — Probation

(NOTE: Identify Changes with Asterisks (*))

Judgment—Page 3 of 5

DEFENDANT: CRAIG KELLEY
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SPECIAL CONDITIONS OF SUPERVISION

1. Possession of Weapons - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. Warrantless Search - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
- * 3. Home Confinement with Location Monitoring - You shall be confined to home confinement with location monitoring, if available, for a period of nine (*9) months. You shall pay 100% of the costs of the location monitoring services.
4. Debt Obligations - You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.
5. Access to Financial Information - You shall provide the probation officer access to any requested financial information, including personal income tax returns, authorization for release of credit information, and any other business financial information in which you have a control or interest.
6. Employment Restriction - You shall be restricted from engaging in employment, consulting, or any association with any mortgage/real estate business for a period of five years.

DEFENDANT: CRAIG KELLEY

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 2,000.00	\$ 195,000.00

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Third Party Processing c/o Merrill Lynch		\$195,000.00	

TOTALS	\$ _____	\$ 195,000.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: CRAIG KELLEY

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 197,100.00 due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Payable at the rate of no less than 25% of gross income, subject to an adjustment by the court based upon ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
See attached Order of Forfeiture.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

**U.S. v. Craig Kelley
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Restitution List**

Third Party Processing
c/o Merrill Lynch
PO Box 40239
Jacksonville, FL 32203

\$195,000.00

